IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.3063 of 2007

Shri Sunil Lazarous Anthony — Applicant
Vs.
Mr.Ronal Chadellier & anr. — Respondents

Mr.Subodh Desai for applicant.
Mr.A.S.Shitole, APP for State.

CORAM: B.H.MARLAPALLE, J.
September 18, 2007.

P.C.

. Heard Mr. Desai, the learned counsel for the applicant - accused.

. The complainant had filed an application at Exhibit 53 stating that vide Exhibit 16 in all 14 documents were placed on record and the document at Sr.no.7 which was a photostat copy of the letter signed by the accused on 7/1/2004 forwarding the subject dishonoured cheque was not exhibited and, therefore, he prayed for the same being exhibited. The accused filed its say and opposed the application. The learned Judicial Magistrate, First Class by his order dated 11/9/2006 allowed the application at Exhibit 53 and this order was carried in Criminal Revision Application No.754 of 2007 which was dismissed on 11/9/2007.

. There could be no doubt that Criminal Revision Application No.754 of 2007 filed by the present applicant was not maintainable and, therefore, this Court is required to examine the reasoning set out by the trial Court in allowing the application at Exhibit 53. Copy of the said letter dated 7/1/2004 has been brought on record and it was signed by the accused himself forwarding the subject cheque for Rs.5 lakhs which was dishonoured. If the letter is exhibited as part of the evidence adduced by the complainant, the accused still has a chance to step in the witness box and adduce evidence that the letter did not originate from him or that he had not signed it or that the said letter was not the letter which forwarded the cheque which was dishonoured. Merely exhibiting the letter at Exhibit 7 cannot by itself preclude the accused to rebut the charge by leading evidence. The challenge to the impugned order is, therefore, devoid of merits and hence the application is rejected. Trial of the case is expedited.